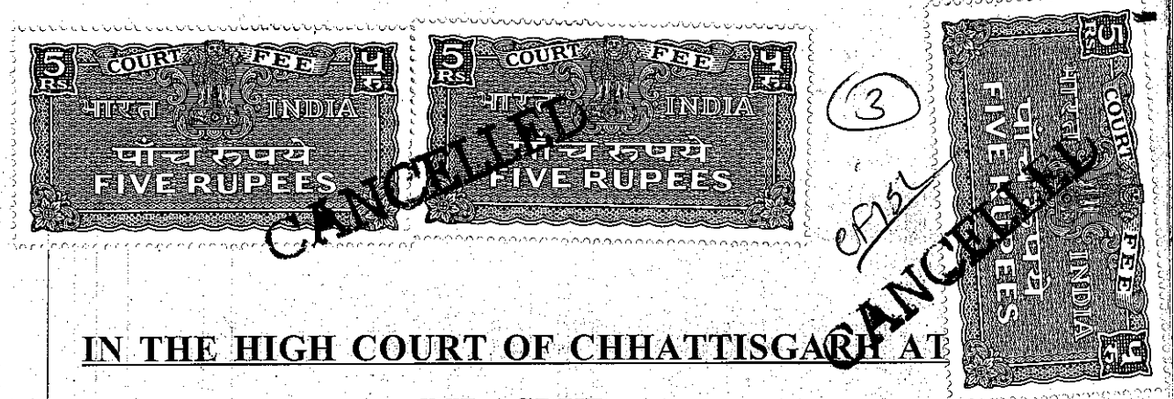

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench

Civil Revision No. 75 of 2004

Applicant : Motilal, son of Ratilal Satnami,
(Plaintiff) aged about 35 years, Agriculturist,
Resident of village Kutela,
Tahsil Sarangarh,
District Raigarh (C.G.)

P. R. No. ..... dated ..... Presented by Shri Venkatesh Nam Yadav, Adv.

VERSUS

Respondent : 1. The State of Chhattisgarh,
(Defendant) Through Collector, Raigarh
2. Mem bai,
wife of Dinesh Chandra Koka,
aged about 50 years,
Resident of village Kutela,
Tahsil Sarangarh,
District Raigarh (C.G.)

RECEIVED COPY 27/4/04 Clerk to A. G. Bilaspur

REVISION UNDER SECTION 115 OF THE CODE OF CIVIL PROCEDURE

CR 75/04

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1.3.2005:

Shri V. Tekam counsel for the applicant.

Shri Akhil Agrawal PL for respondent No.1.

The instant revision is preferred by the applicant against the impugned order passed by the Civil Judge Class II Sarangarh by which the application filed by the non applicant under Order 1 Rule 10 of the CPC has been allowed.

Learned counsel for the non applicant submits that this revision is not maintainable in view of the amended provisions of section 115 of the CPC and in view of the decision of the Supreme Court in the matter of **Shiv Shakti Coop. Housing Society, Nagpur Vs. Swarj Developers and others reported in (2003) 6 SCC 659** and in the matter of **Surya Dev Rai Vs. Ram Chander Rai and others reported in (2003) 6 SCC, 675,** which is not disputed by the learned counsel for the applicant.

In view of the aforesaid submissions, the revision petition is dismissed as not maintainable.

Sd/-
DHIRENDRA MISHRA
Judge

GRPRJ—FS/311—1/2001—50,000.